

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DAVID HACKETT,</b>	)	CASE NO. 4:21-CV-02337
	)	
Petitioner,	)	JUDGE CHARLES ESQUE FLEMING
	)	
vs.	)	MAGISTRATE JUDGE
	)	JAMES E. GRIMES, JR.
<b>WARDEN CHARMAINE BRACY,</b>	)	
	)	<b>OPINION AND ORDER ADOPTING</b>
Respondent.	)	<b>MAGISTRATE’S REPORT AND</b>
	)	<b>RECOMMENDATION</b>

On December 13, 2021, Petitioner David Hackett (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). On April 19, 2024, Magistrate Judge James E. Grimes, Jr. filed a Report and Recommendation (“R&R”) recommending that the Court dismiss the Petition. (ECF No. 14). On May 6, 2024, Petitioner moved this Court for an extension of time, until August 1, 2024, to object to the R&R. (ECF No. 15). Respondent opposed Petitioner’s request as to the length of time, noting that Respondent would not object to a shorter extension. (ECF No. 17). In a non-document Order dated May 13, 2024, this Court granted Petitioner’s motion and gave Petitioner until August 1, 2024 to object to the R&R. (Non-document Order (May 13, 2024)). The Court’s non-document Order also states, “No further extensions will be granted absent extraordinary and extenuating circumstances.” (*Id.*).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge’s R&R within 14 days after service. The R&R also gave the parties notice of the 14-day time limit for filing objections. (ECF No. 14, PageID# 1836). This Court gave Petitioner significantly longer—

over 100 days—to object to the R&R, but as of the date of this Order, no objections have been filed.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a R&R without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141-42 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Grimes’s R&R, incorporates it fully herein by reference, and **DISMISSES** the Petition. The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

**IT IS SO ORDERED.**

Date: August 13, 2024



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**CHARLES ESQUE FLEMING**  
**UNITED STATES DISTRICT JUDGE**